

**Wivenhoe Neighbourhood Plan Independent Examination
Information Note from the Independent Examiner to the Local Planning Authority and
Qualifying Body**

Further to my appointment to undertake the independent examination of the above Neighbourhood Plan, this note aims to set out how I intend to conduct the examination. My role is to determine whether the Plan meets the basic conditions and other legal requirements.

1. Communications

It is important that the examination process is open and transparent to all interested parties.

I intend to ensure that the Town Council feels part of the process. As such, I will copy the Town Council into all correspondence, apart from contractual matters that are dealt with direct with the local planning authority. Please may I be given a contact name and email for the Town Council to enable this to happen.

Likewise can you please ensure that any correspondence from you is copied to the other party. This will help to ensure fairness and transparency throughout the process.

Sandra Scott at Colchester Borough Council will be my main point of contact.

Any correspondence (other than that relating to contractual matters) should be published on the local planning authority's website and the Town Council's website in a timely manner.

If anyone else who is not the designated point of contact gets in touch with me direct, for example a local resident, I will refer them to the designated local planning authority contact in the first instance.

2. Examination documents

I am very grateful that a printed version of the Neighbourhood Plan, the Basic Conditions Statement, the Consultation Statement and the Strategic Environmental Assessment/Habitats Regulations Assessment together with the representations received have already been provided to me.

It would be also helpful if the local planning authority could confirm the adopted development plan and any saved policies. In addition as there is an emerging development plan details of the stage reached and future programme would be appreciated. In both cases, please direct me to relevant parts of your website or let me know how I can access the documents that you identify.

Most other documents I can access electronically either from the local planning authority's website or on the Town Council website or any dedicated Neighbourhood Plan website. If I have any trouble finding or accessing any documents, I will let you know so that these can be provided to me.

3. Late representations

As a general rule of thumb I will not accept late or additional representations. The only time when I will consider accepting a representation submitted after the consultation period has ended is in those cases where there has been a material change in circumstances since the six week consultation period has ended. For example national planning policy changes or a judgement may be handed down from the Courts. In these circumstances anyone wishing to introduce new evidence should fully justify why and in the case of substantial documents indicate which parts of the document are relevant and why.

However, if a meeting or hearing is held, there may be further opportunities for comments to be made at my request to assist me in ensuring adequate examination of an issue.

4. Clarification procedures

Once I have read all the papers, I may at any time during the examination seek written clarification of any matters that I consider necessary. The usual time for response to any clarification queries is one to two weeks.

I must emphasise that this does not mean I will accept new evidence. In the interests of fairness to other parties, I cannot accept any new evidence other than in exceptional circumstances. If the Town Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest it is sent to Sandra in the first instance for her opinion.

Any request for clarification and any response should be published on the relevant Council websites.

If I find that there are significant issues which may prevent the Plan meeting the basic conditions I will let you know during the course of the examination so that options on how to proceed can be considered. Whilst this situation can usually be dealt with through an exchange of correspondence, if I consider it would be helpful to hold a meeting between the local planning authority, the Town Council and I together with any other organisations or individuals, I will suggest this and be in touch to make suitable arrangements. Any such meeting will be held in public.

5. Visit to the Plan area

I will be visiting the Plan area during the examination. The visit will help me to understand the nature of the Plan and the representations. It will also help me decide if there are any issues to be clarified. I will not need to be accompanied on my visit. If however, I feel it is essential to gain access onto private land then I will be in touch to seek permission to do that and at that point an accompanied site visit may need to be arranged.

6. Examination timetable

The main determinants of how long the examination will take are firstly the number and complexity of the policies in the Neighbourhood Plan Policies, the clarity of supporting documentation and evidence and the number and nature of any representations.

It may be there is very little correspondence from me during the examination. I will however endeavour to keep you both up to date on the progress of the examination.

7. The need for a hearing

I am proceeding on the basis that this examination can be conducted without the need for a hearing as this is the 'default' position. At any time before I issue my final report I may call a hearing if I consider this is necessary to ensure adequate examination of any issue or to allow a person a fair chance to put a case.

If I feel one is necessary, I will let you know as early as possible, but this is likely to be towards the end of the examination process. If I do intend to hold a hearing, I will let you know about procedure and will be in touch to make suitable arrangements at that time.

The period of notice for hearings is not prescribed, but typically 21 days notice is given.

8. The 'Fact Check' stage

A confidential draft of my report will be send to the local planning authority and Town Council to allow an opportunity for both parties to check whether there are any factual errors such as dates, sequence of events, names and so on. This is not an opportunity for further representations to be made to me. A period of a week or so is usually set aside for this purpose.

I usually find it helpful if the local planning authority collates its own comments with those of the Town Council into a single response or both separate responses are sent to me at the same time.

I will endeavour to issue my final report shortly after the fact check stage.

9. Procedural questions

I hope this information is helpful. If the local planning authority or Town Council have any questions relating to the examination process, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI
Independent Examiner
Director, Ann Skippers Planning